

REMARKS

Claims 102-109, 111-118, and 120-129 are pending, of which claims 102, 113 and 122 are in independent form. Claims 110 and 119 have been cancelled without prejudice, limitation, waiver or estoppel.

Claims 102, 112, 113, 121, 122 and 128 have been amended by way of this response. Support for the claim amendments may be found in the present patent application at various places. See, e.g., Paragraphs [0018], [0033] and [0049] as well as FIG. 2 and associated description in U.S. Patent Application Publication No. 2001/0005857 that corresponds to the present patent application.

Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the Claim Rejections - 35 U.S.C. §103

All pending claims were rejected under 35 U.S.C. §103(a) in the Final Office Action of April 29, 2009 based on a number of combinations of applied references. It is noted that the combination of AirMobile™ Wireless Communication Client for cc:Mail User Guide Version 1.0, Communication Client Guide, 1995 (hereinafter *AirMobile Client*, or *AirMobile* for short), MAPI Developers Forum post "MAPI Notification" April 12, 1996

(hereinafter *Carthy*) and U.S. Patent No. 5,764,899 to Eggleston et al. (hereinafter *Eggleston*) continues to be principally relied upon to support the rejection of the pending claims under 35 U.S.C. §103(a).

The Office Action of April 29, 2009 provided a number of comments responsive to Applicant's arguments submitted on January 17, 2009 with respect to the principal applied references. Without acquiescing in the characterization provided in the Office Action of the rejected claims, cited art, and/or Applicant's prior responses, Applicant respectfully submits that the Patent Office continues to miss certain critical distinctions between the claimed embodiments and *AirMobile*, the primary reference relied upon, which are set forth below in detail.

I. The system of *AirMobile* is inherently and inescapably incapable of real-time redirection of user data items as claimed by Applicant.

As set forth previously, *AirMobile* is directed to an email forwarding scheme over a wireless network using a "server push" model. Notwithstanding the language in *AirMobile* to the effect that the messages are "immediately downloaded when they are received", Applicant respectfully submits that the architecture

of *AirMobile* is inherently and inescapably deficient with respect to effectuating "pushing user data items from a messaging host system in real-time delivery to a wireless mobile data communication device" as claimed. Although the *AirMobile* reference uses the term "push" and provides a description including a high-level network environment (see Figure 1-1 illustrating *AirMobile* wireless communication server and client in a cc:Mail environment) that may be sufficient for a "user guide", it does not really explain or describe all the details of the totality of the interaction between a mobile client device (running the client software) and the LAN environment where a server running the *AirMobile* server software is disposed. Applicant submits that understanding this interaction is critical to appreciating the fundamental differences between the claimed embodiments and the *AirMobile* system.

Applicant notes that the system of *AirMobile* is explained in additional detail in the *Eggleston* reference, which is owned by the same company that produced the *AirMobile* system. In *Eggleston*, a laptop computer 105 with a wireless modem 106 communicates with a "communication server" 110, which in turn is coupled to a user's "Post Office" host server 115. *AirMobile* appears to describe the same system, using exactly the same

terminology. *Eggleston* was filed in 1995, the same year that the *AirMobile* references are copyrighted. Two of the inventors on the *Eggleston* patent - Gene Eggleston and Mitch Hansen - are referenced on numerous occasions in the *AirMobile* guides.

As set forth in *Eggleston*, communication server 110 includes a virtual session manager 230 and a query manager 231, and is coupled between a data network 130 and the Post Office host/server 115. See Figures 1 and 2. The virtual session manager 230 is provided for establishing and maintaining a virtual session communication path with the mobile station 105 and a session-oriented communication path with the host server 115. As described with respect to Figure 2, which shows additional details of an exemplary communication server 220, the query manager 231 is designed to send requests to a mail server (i.e., Post Office server) to query for unprocessed messages.

Eggleston teaches that a virtual session is established between the communication server 220 and the mobile station 201 via registration and authentication (see Figure 3, steps 302-307, for example). Once the virtual session is established, the query manager 231 is programmed to send query objects at predetermined intervals for each application being run by each active mobile station requesting unprocessed data for that user from the Post

Office server (see Figure 3). As such, *Eggleston* teaches that communication server 220 is required to poll a user's inbox at the mail server at predetermined periods. In other words, the email forwarding scheme disclosed in *Eggleston* is in fact a polling-based system that requires polling of the Post Office server by the communication server 220, which is done only upon establishing of a virtual session by the mobile client.

Based on the foregoing discussion, it is quite clear that contrary to a "push" process adapted to deliver a message to the mobile device in real-time as claimed by Applicant, *Eggleston* discloses a virtual session based communication system for transferring data between a mobile client and a host system (i.e., a Post Office) involving an intermittent or periodic operation -- a traditional querying-based mechanism where a mobile client must be authenticated, a login must be established with the Post Office, and only then would query manager 231 request any new messages. Therefore, absent an active virtual session, no messages can be requested by or sent to a mobile device. In other words, *Eggleston* (and *AirMobile*, by extension) requires that a mobile device first establish a virtual session, which can be random and intermittent, thereby negating any notion of transmitting the messages to the mobile device in real-time as

set forth in Applicant's claims. Accordingly, such a system cannot anticipate or suggest a redirector system that provides for transmission of data items to the mobile device in real-time as claimed by Applicant.

II. The system of AirMobile/Eggleston teaches away from real-time redirection of user data items.

Further, if a user remains inactive for a predetermined period of time, the system of *Eggleston* logs off the user and tears down the virtual session so that the costs of communication are kept to a minimum. See, e.g., column 4, lines 47-51; column 7, lines 10-18 and lines 48-58. Accordingly, there is no incentive in *AirMobile/Eggleston* to achieve real-time redirection of data items as they arrive since that would require maintaining a virtual session whether or not there is new email for a user and whether or not the user is active over a period of time. *Eggleston* explains that the result of logging off is that "the client will not be notified of outbound data until the client re-registers and is again coupled via the virtual session manager." Logging off a user and not notifying the user of new email is the opposite of pushing messages to a user in real-time as the messages arrive. The current claims of the instant patent

application recite features relating to pushing in order to avoid the authentication, login, and querying processes disclosed by *Eggleston* (by extension, the *AirMobile* system) so that users do not run the risk of missing important new email or other data items waiting on the server.

Additionally, highlighting the differences between the "push-based real-time redirection" and "virtual session based querying" systems is a negative tradeoff in *Eggleston* that is not present in the present patent application. *Eggleston* terminates an established session once a user has been logged in long enough to raise costs to a threshold, thus limiting a user's charges. However, the tradeoff is that once the session has been ended, no messages are sent to or received from a user. The user must choose to incur costs and battery life for maintaining a session or to not receive new emails frequently (e.g., only upon re-establishing a session and querying for new messages). The present patent application eliminates this tradeoff by "pushing" messages without the need for queries or a session. Accordingly, due to the inherent tradeoffs that *Eggleston* is designed to address, it necessarily teaches away from push-based real-time redirection as set forth in Applicant's claims.

III. Continued reliance on Carthy to cure the deficiencies of AirMobile is of no avail because Carthy does not render the AirMobile/Eggleston system into a real-time redirection system.

As explained in Applicant's prior responses (see, e.g., response dated January 17, 2009), even when a user is logged into the virtual session manager, *AirMobile/Eggleston* uses a querying or polling based system. *Eggleston* discloses that "[u]pon establishing the virtual session, a query is preferably generated by query manager requesting unprocessed data for the user, and the VSM forwards the query to the host (step 320)." See FIG. 3. Querying the host is the opposite of pushing from a host based on receipt of automatically generated notifications, as recited in the current claims. To the extent the present Office Action continues to rely on *Carthy* to overcome the deficiency of the *AirMobile* system with respect to receiving an automatically generated notification indicative of receipt of user data items at a messaging host system, a position that Applicant does not agree with, Applicant respectfully submits that incorporating *Carthy* teachings into the *AirMobile* system still does not necessarily result in a system where the need for a virtual session is eliminated such that a more real-time transmission of data items to the mobile client is effectuated. Accordingly, at

a minimum, the combination of *AirMobile/Eggleston/Carthy* does not teach or suggest all the limitations of the claims as currently constituted.

At least for the foregoing reasons, Applicant respectfully submits that the combination of *AirMobile, Carthy* and *Eggleston* references does not support a *prima facie* case of obviousness of pending base claims 102, 113 and 122 under 35 U.S.C. §103(a). Other applied art of record, e.g., U.S. Patent No. 6,289,105 to Murota), does not appear to address the fundamental deficiencies of the foregoing combination. Accordingly, it is believed that all pending claims as currently constituted are allowable over the art of record.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference, the present claims and/or Applicant's prior responses, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise, the right to present a showing of secondary considerations in the instant application by way of one or more supplemental submissions under 37 C.F.R. §1.132, or any and all other rights and remedies available under the Patent Statute.

Fee Statement

Compared to the highest number previously paid for, the number of independent claims has remained the same and the total number of claims has not increased. Applicant is filling herewith a Request for Continued Examination (RCE) of the instant patent application, wherein a petition for a FIVE-month extension of time is being filed herewith to extend the time for reply to May 28, 2010. Accordingly, payment of all applicable fees is being authorized in the appropriate amount via electronic filing. Applicant believes no additional fees are due for the filing of this Submission. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present embodiments, as now defined by the independent claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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